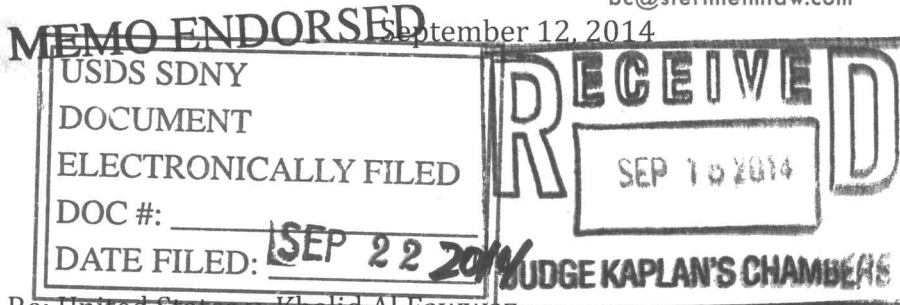


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Honorable Lewis A. Kaplan
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007



Re: United States v. Khalid Al Fawwaz
S7 98 Cr. 1023 (KAF)


Dear Judge Kaplan:

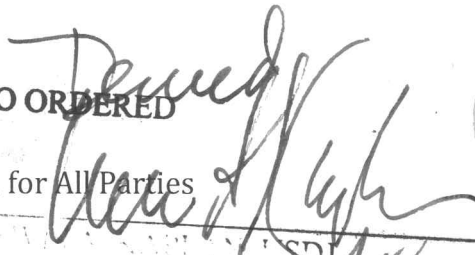
We write in response to your September 4, 2014 order allowing a limited deposition of Dr. Muhammad Al Massari. In your order, you ask that we submit an agreed form of letter rogatory for you to sign. This letter is directed to that request.

We have reconfirmed that Dr. Al Massari is agreeable to being deposed in the United Kingdom. We do not need the help of the UK courts to facilitate the deposition. Indeed, the UK courts would prove somewhat of a hindrance, since the courts will not allow videotape depositions. (The UK Courts do not allow any cameras in court and will not make an exception for our deposition of Abdel Bari Atwan, ordered pursuant to your Letter Rogatory. Thus, we will only be allowed to take a stenographic deposition of him.) We have discussed this matter with the UK Central Authority representatives who were here this last week, and they agreed that the UK courts do not have to be involved in the deposition. Thus, there is no need for a letter rogatory to be issued to request the assistance of the UK courts.

We understand and respect your findings regarding the expected admissibility of testimony concerning the establishment of the ARC office in London and the use of the MCI telephone line. We ask you to broaden your order to allow questioning of Dr. Al Massari regarding those subjects, not because we want to challenge that ruling or reargue it, but because those subjects may become relevant in the defense direct case to corroborate other witnesses. It may also become relevant in rebuttal to government rebuttal to our case. Since we are taking the deposition, we do not want to pass up this opportunity to take this testimony (testimony that should not take more than an hour to elicit, and would certainly not extend our questioning beyond the allotted 3 hour limit). We do not want to ask in the middle of trial or during the defense case to travel back to London to take this testimony if it becomes relevant then.

Your consideration is greatly appreciated.

Very truly yours,

BOBBI C. STERNHEIM


SO ORDERED
cc: Counsel for All Parties
9/22/14